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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixtieth session

SUMMARY RECORD OF THE 1507th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 March 2002, at 3 p.m.

Chairman: Mr. DIACONU

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifteenth periodic report of Denmark

Review of the implementation of the Convention in States parties whose reports are seriously overdue

Turkmenistan

Draft concluding observations concerning the initial report of Lithuania (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth periodic report of Denmark (CERD/C/408/Add.1; HRI/CORE/1/Add.58)

1. At the invitation of the Chairman, the members of the delegation of Denmark took places at the Committee table.

2. Mr. LEHMANN (Denmark) said that Denmark valued the dialogue with the Committee as a source of constructive suggestions and recommendations. The compilation of General Recommendations and Decisions (CERD/C/365/Rev.1) was particularly useful, since it offered States guidance in their struggle against racial discrimination. The complaints procedure provided for in article 14 of the Convention was a vital means of enabling individuals who had been the target of racial discrimination to state their case before an international independent body. He hoped that the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had lent added impetus to the Committee's work.

3. In response to the Committee's concluding observations on his country's previous report (CERD/C/304/Add.93), he announced that a committee set up by the Minister of Justice had recommended that the Convention should be incorporated into Danish law, but it was too early to say when a bill on the subject would be tabled in parliament. Radio Oasen had been closed for three months, because one of its programmes had exhibited a hateful and racist attitude to various minorities, which could not be regarded as part of political debate. In the event of further violations of broadcasting rules, its licence might be permanently withdrawn.

4. Denmark's periodic reports and the Committee's concluding observations on them were widely circulated to the relevant authorities in the country and the Government had financed a special brochure published by a Danish non-governmental organization (NGO) on the right to lodge an individual complaint under article 14 of the Convention. A video on the police and human rights had been produced by the Danish Centre for Human Rights in cooperation with the Danish Police Academy and the Council of Europe.

5. Mr. ISENBECKER (Denmark) said that in January 2002, the Danish Government had published a White Paper entitled "A new policy for foreigners", which set out to improve the integration of foreign residents. The initiatives outlined in the paper had been translated into a bill, which had been tabled in parliament in February 2002, and they were accompanied by further moves to integrate foreigners more closely into Danish society. The bill proposed a number of changes to the Aliens Act, which would introduce more stringent conditions for obtaining residence permits, especially those issued for the purpose of family reunification. In future the same conditions would apply to Danish citizens and foreign residents. The bill had been sent to a wide range of authorities and organizations for comment. The Danish Centre for Human Rights had concluded that, while the bill was consistent with Denmark's obligations under international human rights instruments, it was not in line with some recommendations

from the Council of Europe and the United Nations High Commissioner for Refugees. The Government would therefore consider whether amendments should be made to the bill.

6. Mr. GAMMELTOFT (Denmark) said that since the presentation of the previous report, the Danish Government had taken further steps to tackle the discrimination and disadvantages suffered by ethnic minorities living in Denmark. In May 2001, a committee had been set up to examine the incorporation into Danish law of the European Union's Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The committee comprised representatives of ministries, many sectors of Danish society and ethnic minorities. It had wide terms of reference and had been instructed to study a number of issues, including the scope of new Danish legislation, as well as remedies and sanctions for the infringement of new laws. The committee had held its first meeting in June 2001 and was expected to conclude its deliberations in August 2002.

7. The new Danish Government realized that more had to be done to promote the integration of foreigners in Danish society. A White Paper on integration policy issued in March 2002 acknowledged that participation in the labour market was the key to successful integration and emphasized that foreign residents had useful skills. It encompassed several initiatives to promote their integration, which ranged from training programmes, Danish language courses and the regeneration of urban areas to measures to combat forced marriages. The Government was concerned about high unemployment levels among immigrants and wished to improve their access to the labour market. To that end, the White Paper recommended a number of measures, including language teaching and the evaluation of skills and qualifications by regional competence assessment centres. In the course of the year, the Government would conduct a thorough review of the Act on the Integration of Aliens in Denmark, closely monitor its implementation and, if necessary, propose amendments to it.

8. Ms. JANUARY-BARDILL said that Denmark had diligently fulfilled its reporting commitments and had addressed the concerns expressed by the Committee in the year 2000.

9. With reference to article 2 of the Convention, she was pleased that the Convention had been incorporated into Danish law and she trusted that the temporary withdrawal of Radio Oasen's licence would have a salutary impact on the station. The Committee commended the Danish Government for adopting the Act on the Integration of Aliens, for its steps to implement the law and, above all, for its plans to evaluate integration efforts, because monitoring was essential in order to ensure the full implementation of laws. Nevertheless the Committee was still unhappy about the transference of responsibility for integration from central to local authorities, because it felt that supervision of the latter was inadequate.

10. She asked the State party to explain the reasons for abolishing the concept of de facto refugees, the rationale behind issuing permanent residence permits after seven rather than three years and the grounds for reducing social security benefits and making them available only when persons had lived in Denmark for at least seven years. In her opinion, those changes were in effect indirectly discriminatory.

11. Similarly, with regard to article 2, paragraph 1 (a) of the Convention, she requested additional information about the new Marriage Act, which precluded asylum-seekers from marrying in Denmark, and about amendments to the Family Reunification Act, which removed the statutory right of spouses to be reunited, especially those who were aged between 18 and 24. She believed that the condition that DKr 50,000 had to be paid towards maintenance expenses might prove prohibitive for less well-off communities.

12. Since Denmark had had an excellent track record in establishing and funding anti-discrimination organizations, the Committee had been dismayed to learn that the Documentation and Advisory Centre on Racial Discrimination and the Board of Ethnic Equality might be facing closure owing to the withdrawal of State support and that many other NGOs combating racial discrimination might have their funds cut in the new budget. There had also been talk of reducing overseas development aid. She personally regarded that as a retrograde step which would weaken the protection of human rights. Moreover, those developments were contrary to the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had called for the strengthening of organizations working against racism.

13. With respect to article 4 of the Convention, she stated that, while section 266 b of the Danish Criminal Code was being implemented and while sanctions under that section were commensurate with the nature of the crime, the Committee was worried that the section in question covered degrading statements against groups of persons, but not against individuals, and requested the State party to look into that issue. In addition, she had been apprised of an alarming increase in the number of attacks on ethnic minority groups, especially Arabs, after 11 September 2001. The Committee on the Elimination of Racial Discrimination expected the Danish Government to be particularly watchful in monitoring hate speech, vandalism, arson and physical attacks on ethnic minorities. Victims often had little possibility to talk about their experiences and the Committee feared that the demise of institutions offering support to migrants, refugees and members of ethnic minorities would leave a vacuum and create a sense of insecurity. That vacuum needed to be filled.

14. She commented that notwithstanding a number of positive developments in the implementation of article 5 of the Convention, such as the evaluation of the effects of the Act on Integration of Aliens in Denmark, there was still widespread unemployment among ethnic minorities and refugees. Although the Government had scrutinized obstacles to employment in the public service and sought to improve recruitment processes, the results had been rather disappointing. Little information had been provided about steps to monitor access to jobs for minorities and refugees in the private sector. In that connection, she asked what rewards or sanctions were in place to underpin legislation. From her experience, equal opportunities could not be secured without comprehensive legislation prohibiting racial discrimination in employment, encouragement to persons who had been subjected to discrimination to lodge complaints and, lastly, a complaints body with expertise in industrial relations, because the courts often lacked experience in dealing with labour-related issues and the onus of proof rested with the victim.

15. The Committee believed that the amendments to the Aliens Act, which revoked the right to family reunification in the under-25 age-group, were potentially discriminatory, as some

groups of ethnic minorities had cultural practices that led to early and arranged marriages. Moreover leaving implementation of the new rules to administrators at local authority level could prove risky, as they might be unaware of States parties' commitments under international conventions.

16. Turning to freedom of movement, she said the Committee still disapproved of the quota system and the dispersal of refugees in Denmark, mainly because it appeared that the Danish immigration service gave insufficient consideration to the personal circumstances of those persons, whose movements were therefore controlled. Moreover the system created tension between the interests of the State and those of individuals.

17. As for political rights, reports claimed that, because persons had to have the right to vote in general rather than local elections and to have Danish citizenship in order to serve on jury panels or as lay judges, the ethnic composition of the Danish population was not properly reflected in courts when cases involving ethnic minorities were brought before them. She invited the delegation to comment on those assertions.

18. With reference to article 6 of the Convention, the Committee was glad that the Government was contemplating the establishment of a complaints body for the purpose of implementing the European Union Directive mentioned earlier. It likewise welcomed the steps taken by the State party to act on the Committee's recommendations concerning individual communications and it looked forward to receiving a progress report. It also applauded moves to provide the police with human rights training, but held that police behaviour after training ought to be monitored.

19. The Committee commended the State party for translating the text of the Convention into the Greenlandic language, as recommended in the concluding observations it had issued in 2000. It welcomed the establishment by the Greenland Home Rule Government of the Commission on Self-Government, which was to look into ways of developing further autonomy within the Danish Realm. However, there had reportedly been some attempts to deny the existence of indigenous communities on the basis of the claim that they had become so integrated into Danish society that they no longer had a distinct nature.

20. Was the Home Rule Government a subject possessed of human rights, or was it under an obligation to protect and ensure human rights, including those of indigenous peoples? In the delegation's view, how were the rights of the indigenous people of Greenland ensured, and how would the demands for more autonomy, for example in Thule and in the case of the Inughuit, be met? There had reportedly been requests filed for compensation with regard to lands confiscated from the indigenous populations. The State party should inform the Committee of the progress made by such claims, if not at the present session, then in the next report.

21. Mr. de GOUTTES commended the Danish Government for the regularity with which it submitted its reports and for its scrupulous observance and application of the procedures provided under article 14, which had permitted the Committee to examine eight communications presented by individuals or groups. The Government had done a great deal to inform the public of the opportunity to submit such communications, and in the report it had informed the Committee of the follow-up to cases already examined.

22. How did the new law on the integration of foreigners, which had entered into force on 28 February 2002, differ from its predecessor, the Act on Integration of Aliens (1998)? Did the new law introduce provisions for job placement, housing service from local authorities and financial assistance provided to unemployed foreigners? The report addressed the prohibition of racial discrimination in the private sector, in particular in commercial or non-profit businesses. While it cited a few examples of convictions for such acts, the Committee would find it useful to receive additional information in that regard.

23. Despite the measures taken to combat unemployment among foreigners, many still could not find jobs. The sentences following convictions obtained under section 266 b of the Criminal Code in respect of racist remarks or acts were limited generally to fines and suspended prison sentences. Since the report had been submitted, had any other members of the Danish People's Party (Dansk Folkeparti) been the subject of such complaints? In 14 cases, denial of access to a discothèque had been the subject of the complaints and there had been no conviction at all. The Committee was particularly interested in such cases because it was an underhand form of racism that should not be tolerated, and because one of the communications pending under the procedure established by article 14 related to just such a situation.

24. The report referred to four cases of ethnic discrimination in the workplace, including one involving the dismissal from a department store of an Islamic girl because she wished to wear a veil. The Committee would appreciate it if the delegation could provide more information on that case. It welcomed the closure of Radio Oasen, which it had called for in its concluding observations issued in 2000. As the closure was effective only until 1 May 2002, the Government should keep the Committee informed of further developments. He commended the State party for translating the Convention into the Greenlandic language, and requested clarification as to the status of the construction project at the Thule air force base.

25. Mr. VALENCIA RODRÍGUEZ welcomed the positive results achieved thanks to the adoption of the Act on Integration of Aliens (1998) and the Government's assessment of the law's impact. It would be useful to have more information on the observations and recommendations of the 34 municipalities that had received questionnaires, the action taken by the Committee of Ministers on Integration mentioned in paragraph 8 of the report and the work of the 34 integration councils mentioned in paragraph 12. While it was encouraging that the latter apparently included the participation of a large proportion of foreigners, that should be the case as well for the Council for Ethnic Minorities. He thanked the delegation for the information on the conviction of persons under section 266 b of the Criminal Code, and stated that he believed the severity of sentencing should be for the courts to decide. The fact that two such cases related to the dissemination of racist propaganda over the Internet demonstrated that it was possible to take action against such phenomena. Had any new cases arisen of violation of section 266 b of the Criminal Code or of article 5 (f), and if so, in what circumstances? Was it possible that the increased application of the law reflected greater public confidence in the effectiveness of legal measures?

26. Due attention should be paid to the problems related to employment and housing of foreigners and refugees. The Committee would appreciate it if the State party kept it informed of the activities carried out by the complaints body to be established pursuant to EU Council Directive 2000/43/EC and if it offered a more detailed explanation of the four cases of ethnic

discrimination in the labour market, to which the report referred in paragraph 93. He thanked the Government for keeping the Committee informed of the follow-up to cases it had examined under article 14.

27. The State party had taken initiatives to train police officers, to recruit new law enforcement personnel and prison staff from ethnic minorities and to encourage persons from minority groups to seek employment in the judicial system. It should keep the Committee up to date on progress in such fields. Lastly, he welcomed the efforts made to integrate Greenlandic and Danish-speaking students in Greenland, and the translation of the Convention into the local language there.

28. Mr. HERNDL said that Denmark's Government had played an exemplary role in adopting legislation such as the Integration Act. It maintained no reservation to the Convention, had approved the revision of article 8 of the Convention and had made the declaration under article 14, thus recognizing the Committee's competence to accept communications from individuals or groups alleging a violation of the Convention. The Government had established its own monitoring structures with national institutions that kept the situation of racial discrimination under close scrutiny.

29. On a less positive note, the Committee had learned that bilingual children in day-care centres and kindergartens were not permitted to use languages other than Danish. Over and above the detrimental effect that had on the children, such a provision was apparently a clear example of discrimination, as bilingual children generally came from foreign families. He had learned that a Muslim community in Denmark had experienced difficulties in obtaining permission to establish a cemetery. Given the increasing importance of Muslim communities throughout Europe, it was important to ensure equal treatment in respect of the establishment of cemeteries and religious premises.

30. Mr. BOSSUYT, having commended the regularity with which the State party had submitted its reports and the way in which it had responded specifically to the Committee's concluding observations of 2000, welcomed the entry into force of the Integration Act, the appointment of the Committee of Ministers on Integration and the establishment of municipal integration councils. Clearly, legal provisions to penalize racial discrimination had not only been adopted, but enforced in practice as well. He requested clarification as to the significance of the "ice-breaker scheme" mentioned in paragraph 16 (c).

31. The report referred on numerous occasions to "refugees". Did the State party differentiate between refugees, whose status was recognized under the Convention relating to the Status of Refugees of 1951, and asylum-seekers, who had merely applied for the status in question? The distinction between the two could be of great importance in shaping public opinion. How many refugees and asylum-seekers were there respectively in Denmark? What became of asylum-seekers whose applications were refused?

32. The follow-up information on the communications submitted in accordance with article 14 was extremely useful and should be included in the Committee's annual report. He had learned of a political controversy which had plagued the Danish Centre for Human Rights, and expressed the hope that it would be cleared up quickly and would not harm the Centre's

programmes, in particular those related to dissemination of information on human rights. The incorporation of international human rights treaties into the national legal system was a positive step, if somewhat overdue, as national courts could finally ensure directly that the provisions of such instruments were applied.

33. Mr. THORNBERRY asked whether the adoption of the new Integration Act had in any way changed the basic concept of integration. Was integration still considered to be a two-way process, benefiting both the host State and newcomers, or had the balance shifted? What was the significance of the use of the term "ethnic minorities", as opposed to "national minorities"? Could the delegation explain the reasons why various foreign groups had particular difficulty in finding employment? To what extent was that situation attributable to market forces? In respect of housing, it appeared that paragraph 3 of the Committee's General Recommendation XIX was quite relevant, as it related to forms of discrimination in which racial grounds were mixed with other grounds. Such informal segregation in housing should be addressed.

34. The report was perhaps unnecessarily graphic in rendering verbatim accounts of some of the objectionable statements made in violation of article 4. In future, a less direct description of such unpleasant libel would probably suffice. On the other hand, the detailed follow-up information on the cases of communications submitted under article 14 was quite useful. The Government had taken some praiseworthy initiatives with a view to precluding a resurgence of racism through education, training and recruitment programmes. Were judges, too, trained in issues related to non-discrimination?

35. General Recommendation XXIII had set out certain guidelines for the restitution of land, or just, fair and prompt compensation in the case of peoples whose lands had been confiscated. He trusted that the Thule case would be dealt with properly by the Danish Supreme Court, in accordance with the provisions of the Convention and of the Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169) of the International Labour Organization, to which Denmark was a party. If a people had in fact disappeared through integration into the mainstream, it would be a terribly sad, irreversible loss. Cultural diversity, like biological diversity, was a precious resource.

36. Greenland already enjoyed a great deal of autonomy. In what ways would such autonomy be extended? Could the delegation inform the Committee which language served as the language of instruction in schools in Greenland, and whether it varied with the subject matter?

37. Mr. SICILIANOS said that he was familiar with the valuable work of the internationally reputed Danish Centre for Human Rights. He was pleased that the Centre had not been closed after all, but was concerned that its resources had been heavily pruned back. A number of other human rights bodies, including those active in the area of racial discrimination, had apparently experienced a similar fate. He drew the delegation's attention to paragraph 90 of the Durban Programme of Action, which urged States to establish and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance.

38. Given the presence of a large number of Muslims, he asked why there were no mosques or cemeteries for them. The Committee would also like to have additional information on how the rights of the indigenous communities in Greenland were protected.

39. Mr. RESHETOV noted that the Council of Europe had referred to the experience and political status of Greenland and the Faroe Islands in its efforts to resolve ethnic conflict elsewhere. He was pleased that Denmark had finally translated its reports to the Committee into the Greenlandic language. As it appeared in paragraph 127 of the report, the case brought by a group of inhabitants in the Thule area of Greenland had not been decided to their satisfaction; the indigenous population's land rights had not been taken into consideration. Had any attempt been made to resolve the conflict through dialogue?

40. With regard to the Greenland authorities, what was the constitutional basis for their activities? What was the status of Greenland's government in Denmark's political system? Could Greenland's authorities take decisions concerning human rights, including the rights of the indigenous population?

41. According to paragraph 318 of Denmark's fourteenth periodic report (CERD/C/362/Add.1), the Danish authorities were responsible for matters of justice in Greenland. In his view, the administration of the judicial system should be in the hands of the home rule authorities. Were any changes planned to that effect as part of the judicial reform currently under way in Denmark? Furthermore, what was Denmark's overall policy regarding the rights of the indigenous population? What was done to protect the cultural heritage, traditional way of life and language of Greenland's Inuit population?

42. Mr. ABOUL-NASR said that the periodic report contained many shocking examples of hatred of Muslims and Arabs in Denmark and serious crimes committed against them, which were often treated leniently. Such animosity pre-dated the events of 11 September, but the situation had worsened thereafter. He was very surprised with the above reports, because he had visited Denmark and had never felt any antagonism, and no one in the Egyptian embassy there had ever mentioned such a problem.

43. A document entitled "Anti-Islamic reaction in the EU after the terrorist acts against the USA", published by the European Monitoring Centre on Racism and Xenophobia, contained unbelievable statements by the Danish Prime Minister and other politicians. Mogens Camre, member of the European Parliament, was quoted as saying that "all countries of the western world are infiltrated by Muslims - some of them speak to us politely, whilst they wait until they are enough to kill all of us". What would be the reaction if the word "Muslims" in that example was replaced by "Jews"? Kenneth Kristensen, a member of the Dansk Folkeparti (Danish People's Party) was quoted as saying that "these Arabs are criminals who, with their worshipping of violence and their intense hate, continue the traditions their parents have given them". Were such utterances not punished? Did Denmark plan to prohibit the Dansk Folkeparti in keeping with its obligations under article 4 (b) of the Convention? He also asked for more information on the statements made on Radio Oasen that had warranted the suspension of its broadcasting. He also wondered why Muslims could not have their own mosque or cemetery.

44. Mr. PILLAI referred to a report by the Danish NGO, Documentation and Advisory Centre on Racial Discrimination, which contained figures on hate speech showing that, from 1996 until 2001, the number of complaints filed with the police had risen considerably, from 24 to 65. Such public utterances clearly had an adverse impact on racial harmony and understanding in Denmark. Was the State party planning to introduce any legislative or other measures to help strike a balance between freedom of expression and the promotion of communal harmony and understanding?

45. He was pleased to read in the country report that an effort was being made by the police to recruit members of ethnic minorities and that, as of 1 December 2000, 10 out of 208 trainees in the Danish Police Academy had been of non-Danish ethnic origin (para. 115). Had those trainees been hired by the police at the completion of their training? What kinds of complaints were received by the local police boards, how were they investigated, and what was done about police officers against whom such complaints were lodged?

46. He referred to the important role played in the Asia Pacific area by the Danish Centre for Human Rights in addressing human rights issues and promoting the work of national human rights institutions. He had been shocked to learn of the plan to discontinue the Centre and was pleased that the matter was under review. He urged Denmark to consider expanding the Centre's scope and activities for the benefit of human rights activities the world over.

47. Mr. YUTZIS referred to the alarmingly high unemployment rate among immigrants (para. 14 of the report) and to the close link between immigrant unemployment and housing for such groups (para. 74). He was puzzled that a leaflet about new tenancy regulations emphasizing that discrimination must not occur had been issued to local politicians (para. 82), but not to the relevant administrative bodies. He also asked, with reference to paragraph 85, when, where and how the municipal council had decided that the local authority could extend the right of assignment of non-profit family dwellings to up to 100 per cent of the dwellings available.

48. Paragraph 121 referred to efforts to recruit members of ethnic minorities for jobs in the courts. What percentage of those hired were in fact members of such minorities? Like other members of the Committee, he was concerned about recent developments regarding the Danish Centre for Human Rights. It was surprising that at a time when the Centre was producing such excellent results there should be talk of its discontinuation. Pursuant to the recommendations of the Durban Conference, funding for the Centre must be increased; such bodies were vital if the Durban Programme of Action was to be a success. What was Denmark's policy in that regard?

49. Mr. AMIR, after commending the State party on the quality of its report, expressed concern regarding the need for the integration of immigrants, to which the report had made numerous references. True integration must be based on the principle of equality of rights and obligations and the rule of law. He had not found any reference to progress having been achieved on eliminating cultural or social discrimination against minorities.

50. Mr. TANG Chengyuan said the report provided ample information on measures adopted to combat racial discrimination and the penalties to which persons or organizations which incited racial discrimination were subject, including fines and short prison sentences. However, reports of a rise in racist attacks on Muslims and Arabs in the wake of the events of 11 September 2001,

including acts of physical violence, suggested that perhaps more severe penalties were required. He welcomed efforts to recruit members of ethnic minorities for duties in the courts and court administration. What had been the outcome of such efforts? He sought clarification concerning complaints about the behaviour of the Danish police force and reports that the indigenous population in Greenland was not satisfied with compensations awarded for confiscated land.

51. Mr. SHAHI said that on the whole his assessment of Denmark's report was positive: the efforts of the Government and civil society to promote the objectives of the Convention were evident. Nonetheless, in a country traditionally associated with liberalism and broadmindedness a reversion to racial and religious prejudices was highly regrettable. He had hoped that the type of behaviour referred to by Mr. Aboul-Nasr might have been a spontaneous reaction to the events of 11 September 2001 - apparently that was not the case. Referring to statements made by Danish politicians inciting hatred against Muslims and Arabs, he drew attention to paragraphs 61 and 115 respectively of the Declaration and Programme of Action adopted at the World Conference against Racism, which expressed concern about anti-Semitism and Islamophobia and underlined the key role of politicians and political parties in combating racism as well as the need for disciplinary measures for any violations thereof. In his view, the penalties inflicted for hate speech in Denmark were very lenient, and if the Government really wanted to resolve the problem it needed to take a harder line.

52. Mr. LEHMANN (Denmark) thanked the Committee members and in particular the Country Rapporteur for their very pertinent questions, which showed how well they had understood the situation in the country. Many references had been made to Greenland. In normal circumstances it would have been represented on the delegation. However, since the Commission on Self-Government was due to report in July 2002 to the Government in Nuuk on the outcome of its work, which was to be followed by negotiations with the Danish Government in Copenhagen, the Greenlandic representatives had not felt it necessary to appear before the Committee at that juncture. Details of the outcome of the Commission's work would, however, be included in Denmark's sixteenth periodic report. All negotiations relating to self-government were being conducted in Greenlandic. He therefore took issue with the Country Rapporteur's comment about the integration of the Inuit population into Danish society. He felt that Danish people and Inuits treated each other on an equal footing and were striving towards "partnership in action", in accordance with the theme of the International Decade of the World's Indigenous People.

53. He wished to reserve his position on the implementation of EU Council Directive 2000/43/EC pending the outcome of national discussions on the subject scheduled for July 2002. The deadline for submission of the relevant report was July 2003. The same applied to new legislation relating to the integration of immigrants and refugees; it had only recently been submitted to Parliament for consideration and it was difficult to speculate as to the outcome.

54. He was rather upset by Mr. Aboul-Nasr's remarks about prejudice against Muslims and Arabs in Denmark. It did not correspond to his view of Danish society. Admittedly, Denmark was very permissive in some respects, such as sexual orientation, which might give the impression that it was equally permissive in others, such as freedom of speech. Reference had

been made to a number of racist statements by some Danish politicians. He could easily refer the Committee to just as many statements made by other politicians, in particular the former and present Prime Ministers, who actively opposed such racist sentiments.

55. Mr. ABOUL-NASR said that his remarks were not intended to refer to Danish society in general, but rather to certain elements in it. He had been astonished by the reports of racist sentiments - when visiting Denmark in the past he had never been aware that such sentiments existed.

56. The delegation of Denmark withdrew.

Review of the implementation of the Convention in States parties whose reports are seriously overdue

Turkmenistan

57. Mr. FALL (Country Rapporteur) said that, following its annexation by the former Soviet Union, Turkmenistan had regained independence in October 1991. It was a member of the Commonwealth of Independent States and had considerable natural resources, including oil and natural gas. In 1991 the estimated population had stood at 4,603,244 inhabitants. The main ethnic groups were Turkmens (77 per cent), Uzbeks (9.2 per cent), Russians (6.7 per cent) and Kazakhs (2 per cent). The main religion was Islam (89 per cent). Turkmenistan had become party to the Convention in October 1994 and its initial report had been due one year later. No reply had been received to the total of 11 reminders sent by the Committee to the Turkmen Government concerning its initial, second and third periodic reports due in 1995, 1997 and 1999 respectively, whence the Committee's decision to apply the review procedure.

58. There was no national body for monitoring the human rights situation in Turkmenistan, but allegations of human rights violations had come from a variety of sources. The Commission on Human Rights had appointed three different special rapporteurs to follow up such allegations, who thus far had received no response from the State party to their communications. Human Rights Watch had reported that members of the Russian minority were subject to discrimination with respect to employment, education and information. Amnesty International and the United States Department of State reported infringements of the right to freedom of thought, conscience and religion. The latter source had also mentioned restrictions on the freedom of movement, particularly in relation to foreign travel, despite the fact that all those rights were guaranteed under the Constitution of Turkmenistan.

59. He proposed that the Committee should remind the State party of its reporting obligations under article 9 of the Convention and, referring to its General Recommendation X, invite the State party to avail itself of the services provided by the Office of the High Commissioner for Human Rights and the expertise of Committee members in preparing its reports. In the light of the human rights situation in the State party and its failure thus far to cooperate with the treaty monitoring bodies, including the Committee, he further suggested that the Committee should issue a decision along the lines of that adopted at its fifty-ninth session in connection with the review of the implementation of the Convention in Liberia.

60. Mr. ABOUL-NASR endorsed Mr. Fall's proposals.

61. The CHAIRMAN said, if he heard no objection, he would take it that the Committee wished to endorse those proposals.

62. It was so agreed.

Draft concluding observations concerning the initial report of Lithuania (continued) (CERD/C/60/Misc.24/Rev.3)

Paragraph 12 (continued)

63. Mr. FALL (Country Rapporteur) recalled that paragraph 12 had been deferred. Following informal consultations, Mr. Reshetov had proposed a new text based on paragraph 75 of the Declaration adopted at the World Conference against Racism. It read: "Concern was expressed with the denial of citizenship, under Article 13 of the Law on Citizenship, for persons affected by HIV/AIDS, who may belong to groups vulnerable to racism and racial discrimination."

64. Paragraph 12, as amended, was adopted.

Paragraph 17

65. Paragraph 17 was adopted.

Paragraph 18

66. Mr. THORNBERRY suggested that the first sentence should be reworded to read: "The Committee is concerned about information relating to expressions of racial hatred by politicians and the media."

67. Paragraph 18, as amended, was adopted.

Paragraph 19

68. Mr. RESHETOV, supported by Mr. FALL, suggested deleting the word "(Seimas)".

69. Mr. THORNBERRY suggested that the first sentence should read: "The Committee notes that the Parliamentary ombudsmen have received no complaints alleging discrimination by civil servants against persons on the grounds of national origin, and that no criminal cases based on racial discrimination have been brought to court since 1995."

70. Paragraph 19, as amended, was adopted.

Paragraph 20

71. The CHAIRMAN suggested deleting the paragraph.

72. It was so decided.

Paragraph 21

73. Mr. ABOUL-NASR suggested deleting the reference to the European Convention on Human Rights at the end of the paragraph.

74. Paragraph 21, as amended, was adopted.

Paragraph 22

75. Mr. ABOUL-NASR questioned the appropriateness of the phrase "to fully implement the Declaration and Programme of Action adopted by the World Conference against Racism".

76. The CHAIRMAN, referring to the first sentence, suggested deleting the word "fully". Referring to the second sentence, he suggested that the State party might be invited to take appropriate measures rather than elaborate a national plan of action on the basis of the Durban Declaration and Programme of Action. If the Committee asked Lithuania to draw up a national plan of action, it would need to do likewise with the other States parties.

77. Mr. FALL (Country Rapporteur) said the idea was precisely that all States parties should be invited to draw up a national plan of action. That was in keeping with the spirit of the Durban Conference and in line with the High Commissioner's recommendations regarding follow-up activities, so he agreed with the suggestion to delete the word "fully" but preferred to retain a reference to the national plan of action.

78. Mr. YUTZIS endorsed Mr. Fall's remarks.

79. Mr. SICILIANOS also endorsed Mr. Fall's remarks. In order to meet the concerns expressed, he suggested that in the first sentence the phrase "to fully implement" should be replaced by "to follow up on". In the second sentence the word "invites" should be replaced by "encourages".

80. Mr. RESHETOV suggested that consideration of the paragraph should be deferred pending the drafting of a more suitable text. He nevertheless supported the idea of requesting States parties to elaborate a national plan of action.

81. Mr. KJAERUM observed that Lithuania was in the process of drawing up a national human rights plan, which might cover the idea of a national plan of action. The Committee should verify that matter before redrafting the text of the paragraph.

82. The CHAIRMAN said he would take it that if he heard no objection the Committee wished to defer consideration of the paragraph.

83. It was so decided.

Paragraph 23

84. Paragraph 23 was adopted.

The meeting rose at 6 p.m.